

Comments on Senator Proxmire's Letter of
12 June 1973 to the Acting Chairman of the
Senate Armed Services Committee

In his letter, as in his statements regarding his bill (S. 1935), Senator Proxmire infers that there is something illegal, unethical, or "dirty" insofar as any domestic activities of the Central Intelligence Agency are concerned. We would point out here as we pointed out in our comments on the Senator's bill that existing law does not preclude the CIA from engaging in "domestic activities" as such. Furthermore, if the Director of Central Intelligence were so restricted in the conduct of his office he would be unable to carry out the foreign intelligence responsibilities imposed upon him by the Congress under the provisions of the National Security Act of 1947, as amended, and the Central Intelligence Agency Act of 1949, as amended.

Senator Proxmire's letter states that the Agency is not given any direct authority to engage in covert operations overseas. We would not argue with this, but we would point out that this was not an omission on the part of the drafters of the Agency's legislation. The authority is indirect or general. (For instance, the authority in Section 102(d)(5) of the National Security Act stating that it shall be the duty of the Agency under

the direction of the National Security Council "to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." It was felt unadvisable to provide a specific statutory authority for the conduct of espionage and related activities.

We note that the Senator's letter says the Agency is specifically prohibited from engaging in any domestic police law enforcement or internal security functions. The word domestic does not appear in the law. (This is another instance of inference that anything that the Agency does on the domestic scene is prohibited.)

The Senator also says it is apparent that CIA's charter is not totally contained in the National Security Act and that the Agency's responsibilities have been broadened and detailed in a series of National Security Council Intelligence Directives (NSCID). We would agree that the Agency's responsibilities have been made more specific or "detailed" by the NSCIDs, but we would argue that they have not been broadened by them. In our opinion, this situation is not unique to CIA. Executive Orders and other Executive instructions are frequently written to detail the functions of various Executive departments and agencies. It is true that Executive Orders are unclassified in nature, but we would submit that there are many

instances of Executive instructions to departments and agencies which are not published documents. The Senator says he would not ask that specific operations or that sensitive matters be disclosed, adding that that would be imprudent but that is precisely what is covered in the NSCIDs.

Senator Proxmire further says he is writing to inquire if the oversight committee could obtain copies of the Directives and review them for public release. Since the NSCIDs are National Security Council issuances and not CIA documents, his request for access to the documents would have to be directed to the NSC.

Finally, we would point out that while the Chairmen of the CIA Subcommittees have not placed the Director of Central Intelligence in the awkward position of having to respond to a request for NSCIDs, the Agency has never failed to respond to any request from its Subcommittee Chairmen regarding the authorities under which it operates and in fact the thrust of NSCIDs is frequently contained in briefings given the Agency's Subcommittees on the Director's exercise of his responsibilities with respect to the intelligence community.